

MINUTES**MILWAUKIE CITY COUNCIL WORK SESSION****March 20, 2007**

Mayor Bernard called the work session to order at 5:30 p.m. in the City Hall Conference Room.

Council Present: Councilors Barnes, Collette, Loomis, and Stone.

Staff Present: City Manager Mike Swanson, Community Services Director JoAnn Herrigel, Civil Engineer Zach Weigel, Economic Development Specialist Alex Campbell, Engineering Director Gary Parkin, Operations Director Paul Shirey, and Associate Engineer Jason Rice

Sternwheeler Rose Update/Proposed Use for Cash Spot

Ms. Herrigel sought direction from Council on the use of the Cash Spot property on McLoughlin Boulevard and the potential for mooring the Sternwheeler Rose. Mr. Simonis was at the meeting to offer information.

Do you want staff to pursue the agreement? If pursue what stipulations? And what type of information the Council would like before entering into an agreement.

Mr. Simonis currently had his office and moored the Rose on Swan Island. His second boat, Belle of the Falls, was moored in Oregon City. Parking was restricted at OMSI because of the Big Pipe project and he was seeking an alternate location. Ms. Herrigel talked with Mr. Simonis and walked the Cash spot site with him. Further, they met with Mr. Asher to discuss other uses that might come up for the property in the future. Discussed with Mr. Swanson and suggested the City was cautiously interested but there were concerns about flexibility in the use as this was an important site. There was a certain hesitation about one particular use of the site and activity that was popular. If had Sternwheeler Rose and office and ticket space in the Cash Spot may face some opposition. Mr. Simonis told Ms. Herrigel and PARB that parking was very important to him and that the Cash Spot lot was within easy walking distance of the boat. Riverfront Board supported the project and really liked the idea but had two stipulations. One was that it preferred the moorage be south of Kellogg Creek and that the parking be located on the east side of McLoughlin Boulevard.

Mr. Simonis preferred the spot and wanted to be part of the City of Milwaukie.

Mayor Bernard understood there were 40,000 passengers annually.

Mr. Simonis replied there were 188 cruises annually with approximately 50 passengers each.

Mayor Bernard had talked to a number of downtown businesses that supported the activity and thought it would be a good image for the riverfront. He

suggested mooring it against the log dump where the water was deep with a long ramp. He had some concerns about the Cash Spot.

Ms. Herrigel commented the design and use of the riverfront had been a struggle for the community, and it was important to be sensitive to the terms to which people had agreed.

Mr. Simonis fishing was the issue during the daytime, and that was the slow season for his cruises. The charter manager could direct each passenger to park on the east side of the river and at the Cash Spot if available. Passengers could be told not to park on the river side of McLoughlin Boulevard. He clarified this would be a lifetime project for him and was looking at a longer-term arrangement than 5 years. If he made the move to the Cash Spot would be good to be there for five years. In long-range plan he would be open to using the Cash Spot for a while and moving to a nearby spot. He would like to be part of the long-range community plan. His main issue had to do with parking problems in Portland. Once misconception was that his business took up 100 spaces, but on average he figured about 37 parking spaces. Trips were typically around 60 to 70 passengers but not more than 100. Most cruises were in the evening so it was not an issue for downtown businesses. He would put a temporary dock in until such time as the long-term plan was implemented.

Councilor Collette wonderful attraction for the park that could be worked into the design. She understood it had historically been a sternwheeler dock with the Lot Whitcomb.

Councilor Stone liked the idea. She was also thinking about the long term if the Kellogg Treatment Plant were relocated and asked about the stipulations from the Oregon State Marine Board.

Ms. Herrigel pointed out the transient dock on the park plan. If OSMB money were used to build such a dock it could not be blocked or gated and there was a restriction on commercial use. Would need to ensure Mr. Simonis had what he needed and still done to OSMB standards.

Councilor Stone if OSMB helped build the dock and 10 years down the road development a marina to the south what would the commitment be.

Ms. Herrigel if OSMB funding was used and the dock were removed or modified within 20 years the City would have to repay the Board.

Mr. Simonis worked with Oregon City on Jon Storm dock and allowed about 100 feet for commercial usage. The OSMB issue was that the dock had to be for public use and could not be gated. He thought the Board would be agreeable if approached appropriately. Would need some power and water in the area, but would cross that bridge when came to it. Problem with OSMB was to have the open dock so it could be used for fishing. At Riverfront Board meeting the best words were spirit of cooperation. As long as working together to look at alternatives to avoid problems.

Councilor Stone would love to see this happen. She was hesitant with borrowing the money from OSMB and the 20-year commitment.

Mayor Bernard was familiar with this because he was chair of the Riverfront Board and the issue of removing the dock. The OSMB money could go anywhere in the project and could be financed some other way.

Councilor Collette was concerned about locking up the Cash Spot, and she agreed the magic word was cooperation. She would like some flexibility in the agreement.

Mr. Simonis noted he typically booked about 35 weddings per year.

Councilor Collette great complementary parking use.

Councilor Barnes in staff report community development director and city manager advised caution and she asked specifically why. Before moving forward she would like those two questions answered.

Mr. Swanson replied the Cash Spot property was moving toward development and would hate to tie it up into the future without having some way to move on it. There would be a time when something would be done. Concern not to tie the property up for too long.

Mr. Asher agreed that was his concern. For the immediate term could make something work. This was an auto dependent use in a community where there was concern about car trips.

Ms. Herrigel reported there were 30 lined spaces and probably an additional 10 – 20 dependent upon the planning requirements. The restricted access that would have to be modified.

Councilor Barnes would like the Council to sit down and look at a long-term vision for that property at that end of town.

Councilor Stone noted the downtown plan that said it should be a satellite campus area. She liked the idea of helping Milwaukie get back to its roots. This was a great way to highlight that.

Councilor Loomis like the idea too. Concerned about the use of the Cash Spot – long-term partnership. As Council he heard support. How much time did Mr. Simonis need.

Mr. Simonis OMSI gave up two large parking lots until 2012 for the Big Pipe Project.

Councilor Collette agreed with doing some visioning for that area of town and would love this to be a part of the planning and have a sense of how it fit in with the other elements. How would that fit with the future site of the Farmers' Market?

Mayor Bernard believed the property was in the 100 year flood plain.

Councilor Loomis was not so much a concern about having a plan for the Cash Spot but should have some idea of realistic timelines. He felt five years was likely realistic.

Councilor Stone understood there was some business negotiating to do. Seems everyone wanted to see this happen and let the vision begin to develop.

Ms. Herrigel needed to do some internal work to determine if any restrictions on that site.

Mr. Simonis Cash Spot was not the deal breaker for him. Wanted to be on the waterfront and his biggest issue was parking.

Update on Fee in Lieu of Construction (FILOC) Practices

Mr. Campbell will go through the history of the program and how it was implemented. He would discuss project for which staff proposed using this money.

Zach a lot of development in the City was minor land partitions and tear downs. When that occurred the developer was required to develop the street to the Transportation System Plan (TSP) standards. Sometimes not feasible to make those improvements as those were located in the middle of blocks. Sometimes there was no public storm system to serve curb construction. In the past have waived the requirements and in 2001 created the fee in lieu of program. The developer could construct those improvements and pay those fees in lieu for future larger construction projects. There was a time limit of 10 years on spending that money. Assumed money had to be used for the street in front of the property was collected. After four years of collection determined there would not be enough development to do a full construction project within the 10-year period higher street classification.

City attorney determined the money could be spent on a higher street classification such as neighborhood routes. Allowed use as matching funds for larger projects. \$322,000 in the program since 2001 in all nine neighborhoods.

Mr. Campbell 3 projects in next year's budget request. One was the Logus Road project which all of the money collected in the neighborhood was eligible for use toward that project in the amount of \$45,000. could fund slightly less than the City's match. Efficient use of funds rather than occasional sidewalks.

Mayor Bernard understood battle about the use of SDC funds and how spent, and interpretation had changed.

Zach understood it was a state regulation and that the money collected for that type of street improvement.

Councilor Barnes McLoughlin Boulevard industrial and Southgate property. Was that an allowable source to improve

Mr. Campbell thought that would be an eligible location. He was not sure what was in the CIP to address those questions but would not be ineligible in the program.

Councilor Barnes talked about TriMet and concerns of industrial owners could be a good use for those funds for that area.

Councilor Stone asked it had to be used on a higher classified street and Logus was a neighborhood street.

Zach money had to be similar for what it was collected for such as sidewalks, widening, and planter strips.

Councilor Stone new house on street that had these amenities.

Zach SDC was for impact on system away from the property. This was for frontage or nearby collector. If already have improvements in place do not pay this fee.

Councilor Stone asked if people complained about the fee.

Zach have choice of paying fee or making improvements. Only other alternative was to go the Planning Commission for a variance.

Councilor Stone thought that if not feasible to build but if feasible they had the choice.

Zach the city engineer had to approve the fee in lieu of so could be denied if there were reasons the improvements could not be built.

Ms. Batey wanted to know if the funds traditionally used for curb sidewalks. She asked if could be used for traffic calming such as a raised crosswalk, bulb-out, or bus stop?

Zach understood from City Attorney it would have to be spent for what it was collected and that traffic calming was not included in that.

Mr. Campbell thought a curb bulb out would be eligible.

Councilor Stone depending on the neighborhood Lake Road had over \$70,000 and Island Station had and Linwood had even less.

Alex thought waiting for grant projects unless against the 10-year window would be the best way to stretch the money.

Public Works Standards

Mr. Parkin said construction standards were needed to guide design and how new infrastructure constructed. The construction standards had to do with building and testing. Without a comprehensive set of standards there was a lack of consistency between public works and design project for capital improvements. There were public improvements. All those required plans and engineers would come forward with standards from other cities or agencies without have Milwaukie's having one of it own. Consistency issue without a comprehensive set of plans. There was also an issue with the different fire hydrants and ability to maintain over time and having the parts to repair them. When able to go to one document have one set of plans that could be handed to others time. When have own document able to update on a regular basis.

Mr. Shirey discussed asset management and periodic replacement over time. Current state of assets; required level sustained; crucial to sustain performance; best minimum life cycle course; and best long-term funding strategy. Standards ensured built public works that operated and operated over time at lowest cost.

When he used sustainability imbedding sustainable practices into asset management. Effort started in 2005 but got stalled for various reasons.

Mr. Parkin planned to have this matter before the Council in April for adoption by resolution to be updated on a regular basis in the future.

Councilor Collette discussed sustainability standards and would like to see this used as a basis for purchasing the most sustainable equipment in the future.

Mr. Parkin this was a good basis and formatting easy to update.

Councilor Stone issue with double yellow line and where was pavement markings addressed. She would like to see less ODOT yellow used in the neighborhoods.

Mr. Parkin manual of uniform traffic control devices. Do have some latitude with local streets.

Councilor Stone was not advocating not being in line with those regulations. But when look at region some island were painted yellow but others were not. Where was neighborhood traffic calming reflected because needed some consistency.

Mr. Parkin component of the TSP and working group looking at that.

Councilor Stone consistency helped motorists.

City Manager Matters

Mr. Swanson remarked about an issue that occurred last week and read his comments into the record:

This is a memo from the City Manager to the City Council that was read into the record at the March 20, 2007 work session:

Section 27(c)(3), Milwaukie Charter of 1975 vests in the City Manager the power and duty to appoint and remove "all city officers and employees" as well as "supervision and control over the departments . . ."

A recent letter to the editor attempts to impugn the integrity of one City staff member by questioning his neutrality. However, the impossibility of proving the allegation is underlined by the author's choice to base his argument on innuendo rather than on fact. He also characterizes City staff as "a very pro-rail group." His purpose is to create doubt in and opposition to a process and an issue by attacking the credibility and professionalism of City staff. Given the City Manager's responsibilities enumerated above, I wish to respond to the comments about City staff.

First, the importance of maintaining his neutrality was openly communicated and acknowledged by the individual staff member as he introduced his report to the City Council on February 20, 2007. He clearly stated that neutrality was a clear expectation of his job, and he reiterated its importance when questioned by Council. In addition, in my discussions with community members he interviewed, they all noted his unwillingness to offer his personal observations. This staff member operates according to the highest ethical standards.

Second, applicants for City positions are not subject to a light rail litmus test, nor is anyone required to convert to a "pro-rail" position once hired. This is no different from expectations we had of the consultant team hired a few years ago to examine annexation issues, many of whom are very public, recognized light rail opponents. We hired them to perform tasks we were not equipped to do, and they performed as professionals and not as light rail opponents.

Similarly, our goal is to employ the best person for each job, and we expect nothing less than the highest level of professionalism and public service. I believe that we get that level of performance! The suggestion that staff uses positions to advance a personal issue or cause is demeaning and ignores the energy, integrity, and dedication of this outstanding group of people.

Stanley Settlement

Mr. Swanson discussed adding to the agenda a resolution approving the settlement with Stanley. The judge granted certain and requested the judge reconsider his decision. Argument that would be although did commit error, \$200,000 offer did hedge bets in the judge reversing himself. If did not reverse then headed for the appellate court. Recall there was a third defendant and resolve issues with Stanley works and Providence. Ingersoll-Rand did state the liability was joint and several. With the \$200,000 and \$75,000.

Code provided that the documents did need to be submitted by the city manager to the Council and allowed resolution or ordinance Roberts Rules stated the rules in this chapter were procedural only and did not invalidate an action. Process would be to make a motion to temporarily suspend the rules.

Mayor Bernard adjourned the work session at 6:47 p.m.

Pat DuVal

Pat DuVal, City Recorder